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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,449	03/05/2001	John Michael Kowalski	SLA.0366	2810
23855	7590	07/28/2004	EXAMINER	
ROBERT D. VARITZ, P.C. 2007 S.E. GRANT STREET PORTLAND, OR 97214			KHUONG, LEE T	
		ART UNIT		PAPER NUMBER
		2665		
DATE MAILED: 07/28/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/800,449	KOWALSKI, JOHN MICHAEL
	Examiner Lee Khuong	Art Unit 2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 05 March 2001.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-8, 10-14, 16-23, 25 and 26 is/are allowed.  
 6) Claim(s) 9, 15 and 24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 01 May 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 03/05/2001.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the details format of the "outer code words" and "inner code words" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9, 15 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9, 15 and 24 graphically illustrate a frame format in figure manner as claim limitation(s). It is not clear which part of the figure the applicant intended to claim. The examiner believes that such frame format can be easily defined in words rather than in figures. Thus, the applicant is suggested to revise the claim language to meet the 35 U.S.C. 112, second paragraph, requirement.

### ***Claim Objections***

Claim 15 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 9. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Allowable Subject Matter***

Claim 1 - 8, 10 – 14, 16 – 23, 25 - 26 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior arts fail to teach a coding scheme for use with a CSMA protocol to enable transmission of high data rate information signals thereover between devices, wherein the protocol includes an OFDM physical layer, a MAC layer, a CSMA protocol inner code and a systemic code, comprising:

providing an outer coding generator;

generating outer code words containing coded and uncoded data therein in the outer code generator, including an uncoded data portion for transmitting the MPEG transport stream, including formatting packets in the outer coding words with forward error correction, wherein packets are decodable by non-forward error correcting device; wherein, the generated outer code words fit with a small multiple of data bits with an OFDM symbol having a fixed number of data bits, thereby providing for transmission of high; data rate information using the outer code and the CSMA protocol inner code at a data rate of at least 24 Mbps and at a packet error rate of less than  $1.5 * 10^{-9}$ .

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yong (6,289,000) et al, teaches a method of frame control encoder/decoder for robust transmission of PHY layer frame control information (to support medium access) in OFDM frames or packets.

Czerwiec (6,314,102) et al, teaches a method and a telecommunications system for providing both narrowband and broadband services to subscribers.

Bacou (4,811,361) et al, teaches a method and a system for transmitting digital data with OFDM.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Khuong whose telephone number is 703-305-4899. The examiner can normally be reached on 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 703-305-4798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Lee T. Khuong  
Examiner  
Art Unit 2665

  
RICKY NGO  
PRIMARY EXAMINER